

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

**KARLA O'NELL NORAMBUENA
et al.,**

Plaintiffs,

vs.

**WESTERN IOWA TECH
COMMUNITY COLLEGE
(WITCC) et al.,**

Defendants.

CASE NO. 5:20-cv-4054-LTS-KEM

**MOTION TO DISQUALIFY
COUNSEL**

COME NOW counsel for the Plaintiffs, by and through the undersigned counsel, and for their Motion to Disqualify Jackson Lewis P.C., respectfully states to the court the following:

1. This action was originally filed on November 25, 2020. Plaintiffs allege they were fraudulently recruited from Chile to participate in an international study abroad program under a J-1 visa designation and were forced to work in factory labor positions under threats of deportation.

2. On December 17, 2020, attorney Sarah Millsap, who practices at Jackson Lewis Law, P.C. in Omaha, Nebraska, entered an appearance on behalf of Defendants Premier Services d/b/a J&L Staffing (hereinafter "J&L") and Nancy Albrecht (R. Doc. 8).

3. In Plaintiffs' complaint, they allege violations of the Trafficking Victims Protection Reauthorization Act (TVPRA) §§ 1590, 1595, 1589, and 1581, fraud, and intentional infliction of emotional distress against these defendants. (R. Doc. 93).

4. Brock Pohlmeier and Ann Zebrowski, additional attorneys from Jackson Lewis P.C., also represent these Defendants in this case.

5. These same attorneys are also Defending J&L and Nancy Albrecht on similar claims brought by a group of Brazilian plaintiffs in *Bucco v. Western Iowa Tech, et al.*, No. C21-4001 (N.D. Iowa).

6. Until recently, the undersigned was not aware that the Jackson Lewis firm has been representing J&L since at least July of 2017 (two years prior to the events underlying this case took place).

7. Both attorneys Peck and Millsap provided advice to J&L and approved of J&L's participation in the J-1 program.

8. While representing J&L in this case, Jackson Lewis has prepared its clients' Answer and prepared their clients' responses to discovery requests.

9. Documents produced by J&L in discovery redacted references to Peck's prior representation of J&L.

10. A privilege log, or other similar document described in Fed. R. Civ. P. 26 (b) (5), has never been produced by J&L identifying attorney-client communications between Jackson Lewis and J&L regarding the program development.

11. Belatedly disclosed discovery revealed a conflict with Jackson Lewis's current representation.

12. The court must "balance the right to choose a specific attorney against the need for ethics that preserve public trust and integrity in the legal system." *Liquor Bike, LLC v. Iowa Dist. Ct. for Polk Cnty.*, 959 N.W.2d 693, 696 (Iowa 2021).

13. Iowa R. Prof. Cond. 32:1.7 states a lawyer shall not represent a client if there is a significant **risk** that the lawyer's representation will be materially limited by a personal

interest of the lawyer.

14. The Jackson Lewis attorneys are unable to provide detached, objective legal advice to J&L.

15. Their ability to represent J&L has been limited by their own interest in this case.

16. Therefore, a conflict of interest exists between J&L and Jackson Lewis, such that Jackson Lewis should be disqualified from representing J&L.

17. Additionally, Iowa R. Prof. Cond. 32:3.7 states a lawyer shall not act as an advocate if they are likely to be a necessary witness at trial. A lawyer may testify at trial if their testimony relates to an uncontested issue.

18. From discovery, the undersigned learned Attorneys Peck and Millsap are necessary witnesses and must be disqualified from representing J&L.

WHEREFORE, the Plaintiffs respectfully request that the Jackson Lewis law firm be disqualified from representing Premier Services d/b/a J&L Staffing and Nancy Albrecht, and grant any other relief this court deems just and proper.

PARRISH KRUIDENIER, L.L.P.

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 5/6/2024, I electronically filed the foregoing with the Clerk of Court using the ECF system and a true copy of the foregoing was served either electronically or by U.S. First Class Mail upon the following:

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